

EXHIBIT 11

Page 1

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF MARYLAND
4 BALTIMORE DIVISION

5 JASON ALFORD, DANIEL §
6 LOPER, WILLIS McGAHEE, §
7 MICHAEL McKENZIE, JAMIZE §
8 OLAWALE, ALEX PARSONS, §
9 ERIC SMITH, CHARLES SIMS, §
10 JOEY THOMAS and LANCE §
11 ZENO, Individually and on §
12 Behalf of All Others §
13 Similarly Situated, §
14 §
15 §
16 §
17 §
18 §
19 §
20 §
21 §
22 §

5 Plaintiffs, §
6 §
7 §
8 §
9 §
10 vs. §
11 §
12 §
13 §
14 §
15 §
16 §
17 §
18 §
19 §
20 §
21 §
22 §

5 §
6 §
7 §
8 §
9 §
10 §
11 §
12 §
13 §
14 §
15 §
16 §
17 §
18 §
19 §
20 §
21 §
22 §

5 THE NFL PLAYER DISABILITY §
6 & SURVIVOR BENEFIT PLAN, §
7 THE NFL PLAYER DISABILITY §
8 & NEUROCOGNITIVE BENEFIT §
9 PLAN, THE BERT BELL PETE §
10 ROZELLE NFL PLAYER §
11 RETIREMENT PLAN, THE §
12 DISABILITY BOARD OF THE §
13 NFL PLAYER DISABILITY & §
14 NEUROCOGNITIVE BENEFIT §
15 PLAN, LARRY FERAZANI, §
16 JACOB FRANK, BELINDA §
17 LERNER, SAM McCULLUM, §
18 ROBERT SMITH, HOBY §
19 BRENNER, and ROGER GOODELL, §
20 §
21 §
22 §

5 Defendants. §
6 §
7 §
8 §
9 §
10 §
11 §
12 §
13 §
14 §
15 §
16 §
17 §
18 §
19 §
20 §
21 §
22 §

5 §
6 §
7 §
8 §
9 §
10 §
11 §
12 §
13 §
14 §
15 §
16 §
17 §
18 §
19 §
20 §
21 §
22 §

5 §
6 §
7 §
8 §
9 §
10 §
11 §
12 §
13 §
14 §
15 §
16 §
17 §
18 §
19 §
20 §
21 §
22 §

5 §
6 §
7 §
8 §
9 §
10 §
11 §
12 §
13 §
14 §
15 §
16 §
17 §
18 §
19 §
20 §
21 §
22 §

5 §
6 §
7 §
8 §
9 §
10 §
11 §
12 §
13 §
14 §
15 §
16 §
17 §
18 §
19 §
20 §
21 §
22 §

Golkow Technologies,
A Veritext Division

877-370-3377

www.veritext.com

<p style="text-align: right;">Page 22</p> <p>1 benefit plans?</p> <p>2 A. Yes. It's a -- it's a -- it does.</p> <p>3 They're a certification in employee benefit plans, so</p> <p>4 it runs the gamut of -- of different plans.</p> <p>5 Q. So your background is in human resources</p> <p>6 and benefit administration, not in healthcare and</p> <p>7 medicine; is that fair to say?</p> <p>8 A. Yes.</p> <p>9 Q. And you did not attend medical school?</p> <p>10 A. No.</p> <p>11 Q. And you've never worked in a clinical</p> <p>12 setting, such as a hospital or doctor's office, in</p> <p>13 any medical capacity, correct?</p> <p>14 A. Not professionally, unless you're counting</p> <p>15 my high school stint as a receptionist in a doctor's</p> <p>16 office.</p> <p>17 Q. Okay. Fair enough. Thank you.</p> <p>18 And you don't hold any certificates or</p> <p>19 certifications related to evaluating or interpreting</p> <p>20 medical records?</p> <p>21 A. No.</p> <p>22 Q. And you've never received training in how</p>	<p style="text-align: right;">Page 24</p> <p>1 process, where I will walk through each of the</p> <p>2 piece -- the documents provided in any particular</p> <p>3 case. I will go through all the reports, pulling out</p> <p>4 the information that I need to apply it to our Plan.</p> <p>5 And then I've received training, obviously, on our</p> <p>6 Plan terms.</p> <p>7 Q. Who conduct -- or, who conducted the</p> <p>8 trainings that you're referring to?</p> <p>9 A. It would be -- depends. It would be a</p> <p>10 variety. When I was trained on how to do the claims,</p> <p>11 that was by my predecessors. Training on the Plans</p> <p>12 happens with our Plan counsel. We have received --</p> <p>13 we do receive training from the -- or did receive</p> <p>14 training from the doctors, when we implemented, for</p> <p>15 example, the new -- the point system, training on --</p> <p>16 on that, on how to work through that point system,</p> <p>17 from Dr. Selesnick.</p> <p>18 We received -- we had received -- I had</p> <p>19 received training also, in the past, from Dr. Garmoe</p> <p>20 on the neurocognitive, when that benefit was coming</p> <p>21 in place, on how to read those reports.</p> <p>22 Q. Okay. I'd like to -- thank you for that.</p>
<p style="text-align: right;">Page 23</p> <p>1 to diagnose or assess medical conditions; is that</p> <p>2 correct?</p> <p>3 A. No.</p> <p>4 Q. In the course of your employment at the</p> <p>5 PA, were you ever provided any training as it relates</p> <p>6 to orthopedic impairments by players who are</p> <p>7 former -- who formerly played in the NFL?</p> <p>8 MR. JACOB: Object to the form.</p> <p>9 THE WITNESS: When you say "training,"</p> <p>10 what do you mean? There is lots of types of</p> <p>11 training, so ...</p> <p>12 BY MS. FIDLER:</p> <p>13 Q. Well, how do you -- how would you describe</p> <p>14 any training that you've received?</p> <p>15 A. I've received training in how to evaluate</p> <p>16 the -- the cases, the disability claims in the -- in</p> <p>17 the Plan. We have received -- I mean, I have</p> <p>18 received training on the different pieces, you know,</p> <p>19 of the -- of the puzzle.</p> <p>20 Q. Can you describe that training?</p> <p>21 A. We are -- so it's -- you know, I have a</p> <p>22 process that I go to, so training on a -- on my</p>	<p style="text-align: right;">Page 25</p> <p>1 I'd like to unpack that a little bit.</p> <p>2 When you said that the training was</p> <p>3 provided by Plan counsel, are you referring to</p> <p>4 Groom Law?</p> <p>5 A. Yes.</p> <p>6 Q. And specifically what training did</p> <p>7 Groom Law provide you?</p> <p>8 A. We go over -- or, Groom Law will go over</p> <p>9 one annual kind of fiduciary, HIPAA training, that</p> <p>10 type -- sort of thing. They go over the Plan terms</p> <p>11 with us. So maybe "training" might not be the right</p> <p>12 word. It's -- you know, we -- understanding of the</p> <p>13 terms of the -- of the Plan, if we have questions,</p> <p>14 or anything like that. Particularly when there's</p> <p>15 new ...</p> <p>16 Q. And is -- are those -- is that like a</p> <p>17 formal training process where other employees within</p> <p>18 the PA attend and Groom puts on a seminar related to</p> <p>19 how to interpret new Plan terms?</p> <p>20 MR. JACOB: Object to the form of the</p> <p>21 question.</p> <p>22 BY MS. FIDLER:</p>

<p style="text-align: right;">Page 26</p> <p>1 Q. Or is it more of an informal process 2 where --</p> <p>3 MR. JACOB: Same objection.</p> <p>4 THE WITNESS: There is multiple ways that 5 we get information and training. So sometimes it's 6 informal. Sometimes it's a -- you know, HIPAA 7 training is more formal, fiduciary is more formal, 8 with a presentation and whatnot. Sometimes it's 9 informal gatherings where we can ask questions and 10 talk out the -- the Plan terms. It -- it just 11 depends on what the need is.</p> <p>12 BY MS. FIDLER:</p> <p>13 Q. And then you had also mentioned that 14 your -- I think you said that your predecessors had 15 provided trainings on -- on the claims process. Who 16 are those individuals?</p> <p>17 A. The first would have been Chris Smith, the 18 prior Disability Initial Claims Committee member. 19 That's where I started in this with respect to the -- 20 the disability Plan.</p> <p>21 I started as kind of working under her or 22 learning under her on the initial process, earlier in</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Okay. So that was more of on-the-job 2 training?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And when you -- you referred to 5 Chris Smith, and you were -- you said that you were 6 doing it at the initial level. Do you mean the -- 7 are you referring to the committee-level decisions?</p> <p>8 A. The committee --</p> <p>9 Q. Yeah --</p> <p>10 A. -- yes.</p> <p>11 Q. -- okay.</p> <p>12 And then you also had mentioned that you 13 have received training from doctors; specifically, 14 you said Dr. Selinsky and Dr. Garmoe. Can you 15 describe the training that you have received from 16 Dr. Selinsky?</p> <p>17 A. Selesnick.</p> <p>18 Q. Selesnick. I apologize.</p> <p>19 A. This was -- the Plan changed from a 20 different way of evaluating line-of-duty to the 21 current point system. So Selesnick was the, kind of, 22 the brain behind that system. He gave us training</p>
<p style="text-align: right;">Page 27</p> <p>1 that -- when the -- when that kind of first came in. 2 So she would -- helped me. You know, we 3 would go through all the claims. She would give me 4 the basics, and then I would just -- it's practice, 5 right, no one can really tell you how to do it, you 6 just have to do it. So I would do all of the initial 7 claims alongside Chris.</p> <p>8 I would have to -- if there was a time 9 when she couldn't make the Disability Initial Claims 10 Committee meeting, a handful of times I would step in 11 and be her proxy; and so deliver her -- her decisions 12 at that or -- at that level.</p> <p>13 So I was basically training alongside 14 Chris doing all of the cases that she was doing at 15 the initial level.</p> <p>16 When I moved over to the -- doing the 17 appeals, it was under Bethany Marshall, who was the 18 predecessor.</p> <p>19 And the similar thing I'm doing, which was 20 doing all the claims that she was doing. We were 21 reviewing together as a way for me to learn the 22 process and learn how to -- to evaluate things.</p>	<p style="text-align: right;">Page 29</p> <p>1 on, you know, the new system, the terms, how 2 to -- how to go through those.</p> <p>3 With Garmoe, it was when the 4 neurocognitive benefit was being created; again, it 5 was a new benefit in a new arena that we weren't 6 working in. So Garmoe gave us training in how to 7 read the reports, the neurocognitive reports, 8 et cetera.</p> <p>9 Q. Do you recall when the training 10 with Dr. Garmoe was, around what -- what year?</p> <p>11 A. I don't recall exactly. It was around the 12 time the neurocognitive disability came in.</p> <p>13 Q. And can you describe, like, what those 14 training sessions were like; were they in person, 15 over the phone?</p> <p>16 A. Those were in person.</p> <p>17 Q. In person?</p> <p>18 A. Um-hmm.</p> <p>19 Q. Where were they held at?</p> <p>20 A. I don't remember exactly where they were 21 held. If I -- yeah, I don't remember exactly. I 22 think Garmoe's was at the league office.</p>

<p style="text-align: right;">Page 30</p> <p>1 Q. And so when you went through the training 2 with Dr. Garmoe, did you receive training on how to 3 administer, conduct, and interpret tests from the 4 neurocognitive test battery?</p> <p>5 MR. JACOB: Object to the form.</p> <p>6 THE WITNESS: So you're asking if I, if he 7 taught us how to be a neurocogni- --- a 8 neuropsychologist?</p> <p>9 BY MS. FIDLER:</p> <p>10 Q. I'm asking if he had -- if he taught you 11 how to read and interpret test results based on the 12 neurocognitive test battery.</p> <p>13 MR. JACOB: Object to the form.</p> <p>14 THE WITNESS: Yeah, I'm not sure if I am 15 fully -- fully grasping the question. What we went 16 through was how to read the Neutral Physician Report 17 form, where to look in there for the -- the 18 information we're needing, how to -- how to follow 19 along the, the narrative that the doctor was -- was 20 placing in the forms.</p> <p>21 BY MS. FIDLER:</p> <p>22 Q. So it's fair to say that your process</p>	<p style="text-align: right;">Page 32</p> <p>1 is the narratives from the physicians. They explain 2 what they've -- you know, they give a history of the 3 players, they explain what their findings are, and 4 then they explain the basis for those findings. So 5 that's what we're look -- that's what I'm looking for 6 in the reports is the -- that's the narrative that 7 the -- that the doctors will place for us. That's 8 their way of explaining all of the medical -- the 9 technical medical that as, you know, you pointed out, 10 I'm not a doctor.</p> <p>11 So the technical medical, the doctors will 12 explain all of the technical medical behind all the 13 testing for their narrative. So that's the -- those 14 are the things that we're looking for, or that I'm 15 looking for when I'm reviewing.</p> <p>16 Q. And when you say "technical," the 17 "technical medical" parts, did you receive training 18 on, you know, the various types that -- of tests that 19 are included in the neurocog test battery?</p> <p>20 MR. JACOB: Object to the form.</p> <p>21 MS. FIDLER: Can you give me Tab 4.</p> <p>22 THE WITNESS: So the particular tests,</p>
<p style="text-align: right;">Page 31</p> <p>1 was -- the training was related to how to read the 2 various neurocog reports that you would be receiving; 3 it wasn't related to the substance of the test?</p> <p>4 MR. JACOB: Object to the form.</p> <p>5 THE WITNESS: The -- so it was relating to 6 what the -- what we need to know in order to evaluate 7 the claim as how to go through the Neutral Report and 8 how to highlight, how to identify the information 9 that's needed in order to assess whether or not a 10 player meets the standard. So, you know, it's how to 11 follow that narrative, figuring out what -- you know, 12 following along so that we can see the narrative, see 13 the reports.</p> <p>14 I'm not -- you know, there's -- that was 15 what we -- that's what we need in order to evaluate 16 the claim.</p> <p>17 BY MS. FIDLER:</p> <p>18 Q. Okay. Can you give some examples of what 19 Dr. Garmoe suggested that you look for in the Neutral 20 Physician Reports?</p> <p>21 A. In gen- -- like I said, that training was 22 a long time ago. In general, what we're looking for</p>	<p style="text-align: right;">Page 33</p> <p>1 like the intricacies of the tests are you asking, or 2 just the general, what the tests are?</p> <p>3 BY MS. FIDLER:</p> <p>4 Q. I guess both. I'm asking if you were 5 taught how to interpret a test result from the -- 6 from the battery.</p> <p>7 MR. JACOB: Object to the form.</p> <p>8 THE WITNESS: Like I said, what we were 9 taught was how to go through the narrative reports 10 so that we can understand what was -- what was 11 presented, how the player presented, so we can -- we 12 can find the information that is needed in order to 13 assess on the claim.</p> <p>14 BY MS. FIDLER:</p> <p>15 Q. Do you know what the neurocog -- cognitive 16 test battery is?</p> <p>17 A. There is a test battery that is prescribed 18 by the -- by the Plan. I couldn't -- I couldn't list 19 it off the top of my head.</p> <p>20 Q. Were you ever -- did you ever receive any 21 training on how to interpret tests from the -- from 22 the TOPF test, or the Test of the Premorbid</p>

<p style="text-align: right;">Page 34</p> <p>1 Functioning?</p> <p>2 MR. JACOB: Object to the form.</p> <p>3 BY MS. FIDLER:</p> <p>4 Q. Oh, I'd like you to answer first, please.</p> <p>5 A. So, like I said, the -- what we received</p> <p>6 was the -- you know, how to go through that</p> <p>7 physician's report. The intricacies of the -- a</p> <p>8 particular test and how to interpret the test, I</p> <p>9 believe that is the work of the -- the neutral</p> <p>10 physician.</p> <p>11 Q. So it's fair to say that the neutral</p> <p>12 physician has to explain the technical medical aspect</p> <p>13 of the -- of the neurocog reports?</p> <p>14 MR. JACOB: Object to the form.</p> <p>15 THE WITNESS: So, I mean, what I would say</p> <p>16 is that the neutral report, the narrative report that</p> <p>17 we receive, or report we receive, provides all of the</p> <p>18 information that we need, but the -- you know, the</p> <p>19 doctors, the neutrals, spend time creating a</p> <p>20 narrative that explains all of their findings that we</p> <p>21 can understand.</p> <p>22 BY MS. FIDLER:</p>	<p style="text-align: right;">Page 36</p> <p>1 Template."</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 A. I see that. I see that.</p> <p>5 MR. JACOB: Wait. Where does it say</p> <p>6 "template"?</p> <p>7 THE WITNESS: Right here.</p> <p>8 MS. FIDLER: There.</p> <p>9 MR. JACOB: Oh, there.</p> <p>10 MS. FIDLER: Sorry. It printed</p> <p>11 double-sided, unfortunately.</p> <p>12 BY MS. FIDLER:</p> <p>13 Q. And so what I was curious about, and it</p> <p>14 might be helpful to have this to look at as we're</p> <p>15 putting context on it, I was curious if, in the</p> <p>16 training from Dr. Garmoe, if he had given you</p> <p>17 instructions or training on how to interpret specific</p> <p>18 results that would be entered from the various tests</p> <p>19 onto this sheet, the template, if you will.</p> <p>20 MR. JACOB: Object to the form.</p> <p>21 THE WITNESS: So with -- I guess, I mean,</p> <p>22 make sure I'm understanding your question. In</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. Ms. Williams, are you familiar with the</p> <p>2 Neurology or Neuropsychology Neutral Physician</p> <p>3 Orientation Manual?</p> <p>4 A. Yes.</p> <p>5 (Exhibit 3 marked.)</p> <p>6 BY MS. FIDLER:</p> <p>7 Q. I'm going to hand you what's been marked</p> <p>8 as Exhibit 3 to your deposition.</p> <p>9 And I'd like to direct you to the page</p> <p>10 that ends in the Bates number at the bottom of the</p> <p>11 document, it ends in 479.</p> <p>12 Do you recognize this document -- this</p> <p>13 page and the pages that follow?</p> <p>14 (Pause.)</p> <p>15 BY MS. FIDLER:</p> <p>16 Q. Have you -- have you seen this document</p> <p>17 before?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And do you recognize the page</p> <p>20 that starts with -- it's a little strange because</p> <p>21 it's printed double-sided, but it says the</p> <p>22 "Neuropsychology Data Report Form and Narrative</p>	<p style="text-align: right;">Page 37</p> <p>1 his -- when we went through this some years ago, did</p> <p>2 he give us specific instruction on how to interpret</p> <p>3 the test results that the neutral physicians have</p> <p>4 interpreted?</p> <p>5 BY MS. FIDLER:</p> <p>6 Q. Exactly.</p> <p>7 A. He -- what we need to understand is, the</p> <p>8 neutral physicians give us a narrative that explains</p> <p>9 how -- what their interpretations are, explains</p> <p>10 the -- explains the findings. So those -- that's</p> <p>11 where the focus is for us. I'm not a neuro-</p> <p>12 psychologist or a neurologist, so I don't do that</p> <p>13 testing.</p> <p>14 Q. Okay. So fair to say that the answer to</p> <p>15 my question was, no, that you did not receive that</p> <p>16 type of training?</p> <p>17 A. I don't -- I don't need that type of</p> <p>18 training.</p> <p>19 MR. JACOB: Object. Object to the form.</p> <p>20 THE WITNESS: Oh.</p> <p>21 BY MS. FIDLER:</p> <p>22 Q. Well, regardless if -- if you believe you</p>

<p style="text-align: right;">Page 38</p> <p>1 need it or not, you were not provided that; is that 2 fair to say?</p> <p>3 A. I said what -- yeah, what we were provided 4 was the, you know, guidance on how to go through the 5 narratives and follow along the doctor's findings.</p> <p>6 The doctors explain their findings.</p> <p>7 Q. And so you were never given training on 8 what the TOPF, the first test listed, what that 9 tests, for example? You were taught how to read the 10 narrative that the neutral physician is providing?</p> <p>11 MR. JACOB: Object to the form of the 12 question.</p> <p>13 THE WITNESS: Again, this -- it's the 14 same, right. The tests, the particular tests 15 themselves, those are interpreted by the neutrals, by 16 the providers. You know, an orthopedist wouldn't be 17 able to interpret that either.</p> <p>18 So it's -- that's not what -- what's 19 important to me is the -- being able to understand 20 where the doctor came up with his findings, how the 21 doctor came to his findings.</p> <p>22 BY MS. FIDLER:</p>	<p style="text-align: right;">Page 40</p> <p>1 A. 2010-ish, '11-ish. I'm not --</p> <p>2 Q. Okay.</p> <p>3 A. -- I'm not exactly sure when I started 4 doing that with her.</p> <p>5 Q. Okay. I think I -- I think I misheard 6 you.</p> <p>7 So it was before you were promoted to the 8 senior benefit manager; is that accurate?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Do you know how many times you 11 served on the committee?</p> <p>12 MR. JACOB: Object to the form.</p> <p>13 THE WITNESS: It -- I don't remember the 14 exact number. There were a handful of times when 15 I -- when Chris was unable to attend their meeting, 16 and I had her proxy.</p> <p>17 BY MS. FIDLER:</p> <p>18 Q. So you said a "handful," like some -- 19 sometime between like five and ten times; is that a 20 fair estimate?</p> <p>21 A. I don't remember exactly. There -- it 22 wasn't often.</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. Okay. You can set that aside. 2 (Exhibit 4 marked.)</p> <p>3 BY MS. FIDLER:</p> <p>4 Q. Ms. Williams, I'm going to hand you what's 5 been marked as Exhibit 4 to your deposition.</p> <p>6 A. Okay.</p> <p>7 Q. And you recognize this document to be the 8 Declaration that you submitted in this matter?</p> <p>9 A. Yes, this is my Declaration.</p> <p>10 Q. And I'd just like to walk through some of 11 this with you.</p> <p>12 So the first paragraph discusses your 13 employment history at the PA, which we had previously 14 kind of touched base on. And it says that you 15 previously served on the Disability Initial Claims 16 Committee when an active member was unable to do so.</p> <p>17 What period of time was that from?</p> <p>18 A. I was working under Chris on the committee 19 approximately in the early 2010-ish, '08, '09-ish 20 days, early on, not too long after the committee was 21 created. I don't remember the exact time frame.</p> <p>22 Q. I'm sorry, did -- you said the 20 --</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. And the last committee that you served on 2 would have been prior to when you were promoted in 3 2012?</p> <p>4 A. No. You -- what do you --</p> <p>5 Q. Have you -- have you served on a commit -- 6 let me ask it this way.</p> <p>7 Have you served on a committee since 8 becoming a senior benefit manager in 2012?</p> <p>9 MR. JACOB: Object to the form of the 10 question.</p> <p>11 THE WITNESS: Have I served as her 12 proxy --</p> <p>13 BY MS. FIDLER:</p> <p>14 Q. Yes.</p> <p>15 A. -- on the committee?</p> <p>16 Like I said, I don't remember exactly when 17 they were. It could have -- I don't exact --</p> <p>18 remember exactly when. It was maybe a handful times 19 that I stepped in. Chris was regular. She never --</p> <p>20 she didn't miss meetings. I was serving -- I was 21 working with her past the time that I was a senior 22 benefits manager.</p>

<p style="text-align: right;">Page 66</p> <p>1 BY MS. FIDLER:</p> <p>2 Q. Yes.</p> <p>3 A. That is how I was trained to do cases.</p> <p>4 That is how we've been doing them for the past, I</p> <p>5 don't know, for me, you know, over a decade, and for</p> <p>6 the people that preceded me, that's our understanding</p> <p>7 of what is required because -- by -- you know, by</p> <p>8 fiduciary standards.</p> <p>9 Q. And so when you --</p> <p>10 A. And --</p> <p>11 Q. Oh, sorry, were you finished?</p> <p>12 A. No, you're fine.</p> <p>13 Q. I apologize.</p> <p>14 So when you say that you were trained to</p> <p>15 do that, that training came from Bethany Marshall?</p> <p>16 A. And Chris Smith before her.</p> <p>17 Q. And Chris Smith, yes.</p> <p>18 And so that is who told you that you must</p> <p>19 review the -- every document in the administrative</p> <p>20 record, not the board?</p> <p>21 MR. JACOB: Objection; form.</p> <p>22 THE WITNESS: So we work collective, you</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. And so I think the answer to my question</p> <p>2 is that -- is, no, that no one from the board has</p> <p>3 specifically told that to you?</p> <p>4 MR. JACOB: Objection; misstates prior</p> <p>5 testimony.</p> <p>6 BY MS. FIDLER:</p> <p>7 Q. You can answer.</p> <p>8 A. I can -- okay.</p> <p>9 I was told -- like I said, I was told</p> <p>10 by -- through my training how to do the different --</p> <p>11 to do the -- how to evaluate the cases.</p> <p>12 Q. Okay. And your training is done by former</p> <p>13 party advisors, not the board. So your -- any</p> <p>14 instructions that you received to review every</p> <p>15 document in the administrative record was by</p> <p>16 giving -- was through -- pardon me -- was given to</p> <p>17 you by former advisors, not directly through the</p> <p>18 board?</p> <p>19 MR. JACOB: Object to the form.</p> <p>20 BY MS. FIDLER:</p> <p>21 Q. Yes, correct?</p> <p>22 MR. JACOB: Object to the form.</p>
<p style="text-align: right;">Page 67</p> <p>1 know, for our board. Our trustees expect that, when</p> <p>2 we all come together, that there is -- you know, that</p> <p>3 there's been a full review. That's -- that's our</p> <p>4 role as party advisor.</p> <p>5 BY MS. FIDLER:</p> <p>6 Q. And I understand that. I think my</p> <p>7 question is a little different, though. I'm asking</p> <p>8 if anyone from the board specifically communicated to</p> <p>9 you directly that you must read every record in the</p> <p>10 admin -- you must read every document in the</p> <p>11 administrative record.</p> <p>12 A. So I'll say that that has been how I was</p> <p>13 trained. That was what I was told in my training.</p> <p>14 The board -- you know, I got -- I get my -- I got my</p> <p>15 directives on how to do the process from the party</p> <p>16 advisors prior to me and the committee member that I</p> <p>17 worked under on the training.</p> <p>18 I cannot speak to the instruction that</p> <p>19 they received from the board. I -- the process that</p> <p>20 I have in place is what I -- what I use in order to</p> <p>21 fully assess the claim -- each of the claims. That's</p> <p>22 my role as a party advisor.</p>	<p style="text-align: right;">Page 69</p> <p>1 THE WITNESS: My -- my training came from</p> <p>2 the former party advisors and the former committee</p> <p>3 member.</p> <p>4 BY MS. FIDLER:</p> <p>5 Q. Okay. When you're reviewing the</p> <p>6 administrative record, do you take notes?</p> <p>7 A. I will jot down information so -- that I</p> <p>8 need to remember, relevant information for the -- for</p> <p>9 the -- for the claim.</p> <p>10 Q. What do you mean by "relevant</p> <p>11 information"?</p> <p>12 A. There's certain things, you know, you need</p> <p>13 to know. You need to know what type of benefit</p> <p>14 they're applying for. You need to know when -- when</p> <p>15 they applied is the basis for effective dates, if</p> <p>16 it's approved. You need to know what the -- what the</p> <p>17 neutrals said so you can pull out information.</p> <p>18 So when I go through each of the pages, I</p> <p>19 may jot down some notes just to make sure I have</p> <p>20 those on-hand when I get to the end and I need to</p> <p>21 make a recommendation.</p> <p>22 Q. And you said that you will "jot down."</p>

18 (Pages 66 - 69)

<p style="text-align: right;">Page 70</p> <p>1 Does that mean your notes are handwritten, or do you 2 type them out?</p> <p>3 A. I handwrite them as I'm doing the cases.</p> <p>4 I -- I put them into a typed form because we use -- I 5 use that later on.</p> <p>6 Q. So you take handwritten notes while 7 reviewing in realtime, and then later transcribe that 8 in the typed form?</p> <p>9 A. Yes.</p> <p>10 Q. And where are those notes kept in the 11 normal course of business?</p> <p>12 A. The typed notes?</p> <p>13 Q. Yeah, or either.</p> <p>14 A. The typed notes I just keep in a 15 spreadsheet.</p> <p>16 Q. And that's stored on your computer at 17 your -- at the PA's office?</p> <p>18 A. Yes.</p> <p>19 Q. Have you ever stored those notes anywhere 20 else?</p> <p>21 A. No. I use my work computer.</p> <p>22 Q. And then you later rely on those notes</p>	<p style="text-align: right;">Page 72</p> <p>1 time, or do you have separate spreadsheets kept for 2 each board meeting?</p> <p>3 MR. JACOB: Object to the form.</p> <p>4 BY MS. FIDLER:</p> <p>5 Q. If that makes sense.</p> <p>6 MR. JACOB: Object to the form of the 7 question.</p> <p>8 THE WITNESS: The spreadsheet -- I use a 9 different spreadsheet every board meeting.</p> <p>10 BY MS. FIDLER:</p> <p>11 Q. Okay. And you retain the spreadsheets 12 from the prior board meetings, correct?</p> <p>13 A. The spreadsheets, yes.</p> <p>14 Q. Okay. So if we look back at your 15 Declaration. On -- in Paragraph 6, you describe the 16 Meetings Website where the materials for your review 17 are uploaded; is that correct?</p> <p>18 A. Yes, correct, Paragraph 6 talks about the 19 "Meetings Website."</p> <p>20 Q. And you describe the Meeting Website as 21 the repository of player applications, medical 22 records the players provide, neutral physician</p>
<p style="text-align: right;">Page 71</p> <p>1 when making your recommendations to the board?</p> <p>2 A. Those notes form the basis for our 3 discussions with the board. So that -- so that when 4 we go through the cases and discuss the cases with 5 them, they'll have the notes along with the 6 recommendations.</p> <p>7 Q. And you said that "they'll have the notes 8 along with the recommendations." So do you share 9 your notes directly with the trustees?</p> <p>10 A. The spreadsheet gets shared with the 11 trustees.</p> <p>12 Q. Do you share that over email, or do you 13 print it out; how is it shared with the trustees?</p> <p>14 A. Both. I print it out and then email it to 15 them for their -- for our -- for our pre-meeting.</p> <p>16 Q. And I understand that the board meets four 17 times a year.</p> <p>18 Do you -- is that spreadsheet a running 19 list, if you will, of all of the -- of all the notes 20 you've made during an administrative record for a 21 particular board meeting, or -- sorry, strike that.</p> <p>22 Do you update the same spreadsheet over</p>	<p style="text-align: right;">Page 73</p> <p>1 reports, NFL transaction histories, and 2 correspondence with the players, Committee decisions, 3 appeals, and any other documents players submit in 4 connection with their application and appeal, 5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. And that's what you would call the 8 administrative record; is that fair?</p> <p>9 A. Yes.</p> <p>10 Q. Is there correspondence between the 11 benefits office and the doctors included on the 12 Meetings Website?</p> <p>13 A. If there was correspondence between the 14 Plan benefit office and the doctor by email, then 15 that would be part of the record.</p> <p>16 Q. On the Meetings Website?</p> <p>17 A. All of the record goes on the Meetings 18 Website.</p> <p>19 Q. And I'm just -- I just would like to 20 understand the Meeting Websites a little bit more.</p> <p>21 Previously when you had served on the 22 Committee, you accessed the same Meeting Website for</p>

19 (Pages 70 - 73)

<p style="text-align: right;">Page 82</p> <p>1 familiarity with it, but ...</p> <p>2 MR. JACOB: Correct. But she has to</p> <p>3 confirm. In order to answer your question, she needs</p> <p>4 to confirm that it is the document she's familiar</p> <p>5 with. And that, as we know, requires looking through</p> <p>6 it. So she's not taking an extensive amount of time,</p> <p>7 but you gave her a document that's 79 pages; and just</p> <p>8 looking at the signature page is not going to let her</p> <p>9 answer your question accurately. Just give her --</p> <p>10 MS. FIDLER: Okay. We --</p> <p>11 MR. JACOB: Just give her a moment.</p> <p>12 MS. FIDLER: There is no dispute. She can</p> <p>13 look at the record. I would just ask that if it's</p> <p>14 going to take a significant amount of time to confirm</p> <p>15 that this is the Plan document, that we can go off</p> <p>16 the record while she has her review.</p> <p>17 BY MS. FIDLER:</p> <p>18 Q. And then after you have confirmed that</p> <p>19 this is, in fact, the document that you are familiar</p> <p>20 with in the course of your employment to the, as a</p> <p>21 party advisor, the trustees who are responsible for</p> <p>22 executing this document, I would like to direct your</p>	<p style="text-align: right;">Page 84</p> <p>1 LOD point system, or the line-of-duty point system,</p> <p>2 that you testified to earlier you had received</p> <p>3 training on. Is that accurate?</p> <p>4 A. Yes, this outlines the point system.</p> <p>5 Q. And you said that -- which doctor provided</p> <p>6 you the training on this?</p> <p>7 A. Selesnick.</p> <p>8 Q. Selesnick.</p> <p>9 And in that training, were you given</p> <p>10 instructions or guidance on how to interpret the</p> <p>11 terms in this point system?</p> <p>12 A. To interpret the different impairment</p> <p>13 terms or ...</p> <p>14 Q. Yes. The Plan terms as it relates to</p> <p>15 orthopedic impairments.</p> <p>16 A. We were -- we went through the point, you</p> <p>17 know, system, I guess the system. I don't -- I guess</p> <p>18 I'm unclear on when you mean we would have received</p> <p>19 guidance on the specific terms.</p> <p>20 Q. So if you look at Page -- that ends in</p> <p>21 378.</p> <p>22 A. Okay.</p>
<p style="text-align: right;">Page 83</p> <p>1 attention to the page that ends in 376 on the Bates</p> <p>2 number.</p> <p>3 Oh, I ...</p> <p>4 Yeah. And when you are looking at this</p> <p>5 document, and I -- I may have directed you to one</p> <p>6 page further, if you could flip it back.</p> <p>7 This is the LOD point system that you</p> <p>8 testified earlier to that you -- that you received</p> <p>9 training on, correct?</p> <p>10 MR. JACOB: Sorry. When you say "flip it</p> <p>11 back," do you mean --</p> <p>12 MS. FIDLER: Well, the -- that is --</p> <p>13 MR. JACOB: -- the page --</p> <p>14 MS. FIDLER: This is just the start of the</p> <p>15 document, one page back is.</p> <p>16 THE WITNESS: So 37 --</p> <p>17 BY MS. FIDLER:</p> <p>18 Q. On 374.</p> <p>19 A. -- 4?</p> <p>20 Q. Yep.</p> <p>21 Sorry.</p> <p>22 And so to ask my question. This is the</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. For Lumbar -- "Lumbar Spine Impairment."</p> <p>2 Were you ever given training on what any of these</p> <p>3 terms mean?</p> <p>4 MR. JACOB: Object to the form.</p> <p>5 THE WITNESS: It's -- you mean specific</p> <p>6 training on -- I guess I'm not following. I'm sorry.</p> <p>7 BY MS. FIDLER:</p> <p>8 Q. Sitting here today, do you know what these</p> <p>9 terms are? Can you tell me the definition of lumbar</p> <p>10 disk incisions?</p> <p>11 MR. JACOB: I object to the compound</p> <p>12 question.</p> <p>13 THE WITNESS: Yeah.</p> <p>14 I mean, I'm generally familiar with the</p> <p>15 terms. The neutral physicians are charged with</p> <p>16 determining whether or not the player has rateable</p> <p>17 impairments under each of the different -- the</p> <p>18 different topics.</p> <p>19 They -- they will document which</p> <p>20 impairments the players, that they're rating the</p> <p>21 players on. You know, as was testified earlier, I'm</p> <p>22 not a doctor. So, you know, I don't -- I don't know</p>

22 (Pages 82 - 85)

<p style="text-align: right;">Page 86</p> <p>1 that I could go through and define each medical term. 2 I have enough of an understanding of our system to be 3 able to apply the -- you know, understand the system 4 and to understand the medical reports that are 5 provided.</p> <p>6 But, again, our doctors provide us with 7 a -- with a commentary or a narrative that explains 8 these things to us through the -- you know, through 9 the narrative of the Plan.</p> <p>10 So they will do the chart in the report 11 that will lay out where they've rated the player, and 12 then in their narrative they will provide us with the 13 information that led -- was the basis for their 14 findings.</p> <p>15 BY MS. FIDLER:</p> <p>16 Q. So it's fair to say that, when looking at 17 the LOD point system, which spans, roughly, 12 pages, 18 that you are unable to interpret any of the term -- 19 any of the Plan terms in this system without the 20 assistance of the neutral physicians; is that fair?</p> <p>21 MR. JACOB: Object to the form.</p> <p>22 THE WITNESS: I would say that I am</p>	<p style="text-align: right;">Page 88</p> <p>1 the -- the neutral report that lays out the -- for, 2 in that instance, a line of duty case, that lays out 3 the point system that, that I'm relying on the 4 neutral physician to have everything in his -- in his 5 report.</p> <p>6 So generally that report is -- is 7 separated into two -- kind of two parts. One part is 8 a chart where they will record the -- the points, and 9 another part would be the narrative where they will 10 go into more detail of their findings. They will 11 give the information about the exam, and give the 12 information about where their findings came from.</p> <p>13 BY MS. FIDLER:</p> <p>14 Q. Okay. And just one last question.</p> <p>15 This LOD point system, this is contained 16 in the Plan document, correct?</p> <p>17 A. Yes.</p> <p>18 Q. You can set that aside. We may come back 19 to the Plan, though.</p> <p>20 A. Okay.</p> <p>21 Q. And so I wanted to turn back to your 22 Declaration. And in Paragraph 7 you describe the</p>
<p style="text-align: right;">Page 87</p> <p>1 familiar with all of the terms in the point system. 2 I'm familiar with how -- how the point system works 3 when evaluating our players. But, again, I am not an 4 orthopedic doctor. So if you want me to define what 5 a lumbar fusion -- actually, I don't what that is -- 6 you know, what every single one of these terms is 7 medically, that is what the -- what our neutral 8 physicians are charged with doing. And then they 9 are -- they give us a narrative that supports 10 whatever ratings that they give the players.</p> <p>11 BY MS. FIDLER:</p> <p>12 Q. I understand that. And, believe me, I'm 13 not asking you to define every Plan term in here. I 14 think we would -- we'd be here for quite some time.</p> <p>15 But I just want to get an understanding 16 that when you are reviewing administrative records, 17 as it relates to terms, Plan terms that are contained 18 in this LOD point system, your reliance is on the 19 neutral physicians?</p> <p>20 MR. JACOB: Object to the form of the 21 question.</p> <p>22 THE WITNESS: When I am going through</p>	<p style="text-align: right;">Page 89</p> <p>1 process in which you review files for -- or, files 2 for the administrative record. Is that -- is that 3 accurate?</p> <p>4 A. Yes.</p> <p>5 Q. And you state that you personally review 6 approximately 100 appeal files for each board 7 meeting, correct?</p> <p>8 A. As I said, you know, earlier, it 9 fluctuates, you know, from board meeting to board 10 meeting.</p> <p>11 Q. And I think earlier you testified that it 12 can range somewhere from 80 to 100?</p> <p>13 A. On, yeah, on average. Like I said, again, 14 it just depends on the -- on the board meeting.</p> <p>15 They're -- you know, it goes -- it fluctuates.</p> <p>16 Q. But fair to say that --</p> <p>17 A. It's approximately this.</p> <p>18 Q. But fair to say that it's typical for you 19 to review somewhere from 80 to 100 appeal files for 20 each board meeting?</p> <p>21 A. Typical, yes.</p> <p>22 Q. And then you state that -- that it can --</p>

23 (Pages 86 - 89)

<p style="text-align: right;">Page 90</p> <p>1 that it may take you up to an hour to review these 2 player files, correct?</p> <p>3 MR. JACOB: Object to the form.</p> <p>4 Objection; misstates document.</p> <p>5 THE WITNESS: Again, it's just, it depends 6 on the case, on the complexity of the case and -- or 7 the volume of the documents that are provided, on how 8 long it takes each case to -- to review.</p> <p>9 (Telephone interruption.)</p> <p>10 MS. FIDLER: A lot of phone calls. Thank 11 you. Sorry for the interruption.</p> <p>12 BY MS. FIDLER:</p> <p>13 Q. So similarly to when you testified 14 earlier that you take notes while reviewing the 15 administrative records, do you ever log your review 16 time or document how long you spent on a file?</p> <p>17 A. No, I don't log time. I just take 18 whatever time I need.</p> <p>19 Q. Do you keep track of the time you spend on 20 your advisory duties in any way?</p> <p>21 A. No, I don't.</p> <p>22 Q. And so the hour or so that you take to</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. And although you have duties with the 2 Players Association and your advisory duties, those 3 duties tend to pick up around the time surrounding 4 the board meetings. That's what you testified to 5 earlier; is that right?</p> <p>6 A. Yeah. The -- like I said, everything 7 fluctuates. It depends on the flow of the work. But 8 when it's board meeting time, when the cases are 9 posted and I'm working on cases, then I'm obviously 10 using more time on my advisor duties.</p> <p>11 Q. And has -- has your review process 12 ever changed? As we talked about earlier, your 13 Declaration says that this has been the practice for 14 more than two decades. But your time as serving as 15 an advisor, has the process in which you reviewed the 16 administrative record changed at all?</p> <p>17 MR. JACOB: Object to the form.</p> <p>18 THE WITNESS: I mean, what do you mean by, 19 has it changed?</p> <p>20 BY MS. FIDLER:</p> <p>21 Q. I mean, from -- from the first time that 22 you reviewed an administrative record when you</p>
<p style="text-align: right;">Page 91</p> <p>1 review the administrative files, that covers the 2 review of the medical records that are submitted by 3 the player, the neutral physician reports, committee 4 decisions, correspondence, applications, transaction 5 histories, and any other documents that may happen to 6 be in the Meetings Website.</p> <p>7 Is that accurate?</p> <p>8 MR. JACOB: Objection; misstates 9 testimony. Object to the form.</p> <p>10 THE WITNESS: So for each appeal, I will 11 go into the record that's provided and review all of 12 the documents that are listed there. So whatever is 13 up there. In -- you know, those -- those ones that 14 are listed are the, kind of, I guess you would say, 15 standard documents that every case would have.</p> <p>16 BY MS. FIDLER:</p> <p>17 Q. And I think that you had testified earlier 18 when we were doing -- getting your background 19 information, that you said that you had worked 20 typically, you know, 37 and 1/2 hours a week; is that 21 right?</p> <p>22 A. That is what my time sheet says.</p>	<p style="text-align: right;">Page 93</p> <p>1 were -- first became a party advisor till perhaps the 2 board meeting that you're going to have in May, have 3 you made any significant changes to the process in 4 which you review files for the board?</p> <p>5 A. The -- I mean, the process, you know, is 6 our thorough process. It's to -- as it's, you know, 7 outlined in the Declaration. I pull all the 8 information, go through each of the documents. 9 That's a standard -- a standard process.</p> <p>10 Q. And that's been the standard --</p> <p>11 A. That was how I was trained.</p> <p>12 Q. So, yeah, okay. So that's been the 13 standard process for roughly two decades.</p> <p>14 And that -- that would be similar to how 15 the party -- or for the advisor for the Management 16 Council also does their review; is that accurate?</p> <p>17 A. I can't speak to what the Management 18 Council does.</p> <p>19 Q. Fair enough.</p> <p>20 And so I'd like to put into some context 21 of -- the amount of time spent reviewing the records 22 compared to the volume of it. You're aware that the</p>

24 (Pages 90 - 93)

<p style="text-align: right;">Page 94</p> <p>1 administrative record for Mr. Loper in this case was 2 649 pages. So if you review that in one hour, that 3 means you've dedicated about five and a half seconds 4 per page. Is that accurate?</p> <p>5 MR. JACOB: Objection; misstates 6 testimony. Object to the form.</p> <p>7 BY MS. FIDLER:</p> <p>8 Q. You could answer.</p> <p>9 A. So I don't have a specific recollection of 10 the case you referenced, so I can't state that I'm 11 aware of how many pages were in that record because I 12 don't -- I don't -- you know, I wouldn't recall that.</p> <p>13 I go through, you know, each of the 14 documents that are presented on the record. There 15 are documents that require more time; there are 16 documents that require less time. So I couldn't tell 17 you how much time was spent on any one individual 18 document.</p> <p>19 My process is to go through each -- each 20 document to, you know, get the information that's 21 needed from each document, to apply Plan terms, and 22 come up with a recommendation for my board to</p>	<p style="text-align: right;">Page 96</p> <p>1 per page. And while you represented that you do not 2 have a set amount of time that you spend reviewing 3 the record, your Declaration makes clear that you -- 4 that you may take up to an hour to review these 5 administrative records.</p> <p>6 So I think it's -- is it fair to say that 7 that one hour is the benchmark of the time that you 8 dedicate to reviewing administrative records?</p> <p>9 MR. JACOB: Object to the form.</p> <p>10 And, Counsel, you have misrepresented this 11 document multiple times now. It reads "up to or over 12 an hour."</p> <p>13 So if you're going to misquote the 14 document to the witness, then we might need to have 15 an out of -- out-of-the-room conversation. I'm going 16 to --</p> <p>17 MS. FIDLER: Well, I --</p> <p>18 MR. JACOB: -- I'm going to assume that 19 was unintentional.</p> <p>20 MS. FIDLER: I would appreciate to have an 21 out-of-the-room conversation because I was not -- I 22 was hoping you were not going to testify for the</p>
<p style="text-align: right;">Page 95</p> <p>1 discuss.</p> <p>2 Q. And I'll represent to you that 3 Mr. Olawale's record that was produced by counsel in 4 this matter was 701 pages. So reviewing that in 5 little -- in an hour would dedicate a little over 6 4 pages -- or a little over 4 seconds per page.</p> <p>7 Does the math sound right on that?</p> <p>8 A. I'm not a mathematician, so if you've done 9 the math. I will say that -- I will say that there 10 is no set time per page that I, you know, would 11 track. I take the time I need on each case to review 12 the documents, to review all of the documents, to 13 pull out the information that's needed so that I can, 14 you know, formulate an informed recommendation.</p> <p>15 So I couldn't -- I couldn't speak to how 16 much time per page or reduce it down to dividing the 17 number of pages by the time. You know, I don't have 18 a set amount of time per claim that I -- that I work 19 on, so, you know ...</p> <p>20 Q. And then I'll represent to you that 21 Mr. Sims' record in this case was 902 pages. So that 22 would reflect a little -- a little under 4 seconds</p>	<p style="text-align: right;">Page 97</p> <p>1 witness today.</p> <p>2 BY MS. FIDLER:</p> <p>3 Q. So what I'm asking is if the one hour is 4 the -- is a benchmark of the amount of time that you 5 spend reviewing the administrative records in this 6 case?</p> <p>7 MR. JACOB: Object to the form.</p> <p>8 THE WITNESS: Again, I -- as I stated, I 9 don't have a benchmark time frame for each case. I 10 review the cases, I review the full record for each 11 case, and I review it in however much time that 12 takes.</p> <p>13 There isn't a standard amount of time per 14 page or per case or per record. I review what's 15 in -- you know, what's in the record.</p> <p>16 BY MS. FIDLER:</p> <p>17 Q. If you don't have a benchmark, what 18 compelled you to include the one-hour reference in 19 your Declaration?</p> <p>20 MR. JACOB: Object to the form.</p> <p>21 THE WITNESS: To give some context of what 22 could be.</p>

<p style="text-align: right;">Page 150</p> <p>1 A. Again, I don't, like I can't speak for -- 2 in one way or another on that because I don't recall 3 our specific discussions. I can tell you that they 4 general -- you know, they will ask questions, they 5 will challenge, they will want further discussion 6 often.</p> <p>7 Q. So the answer is "no"; fair?</p> <p>8 MR. JACOB: Object to the form.</p> <p>9 BY MS. FIDLER:</p> <p>10 Q. You can answer.</p> <p>11 A. The what -- your question is?</p> <p>12 Q. I said, so the answer is "no"; is that 13 fair?</p> <p>14 MR. JACOB: Same objection.</p> <p>15 THE WITNESS: You know, I would continue 16 to say that my answer is, I cannot say what, you 17 know, specific discussions I've had with trustees. I 18 don't recall any of the specifics.</p> <p>19 BY MS. FIDLER:</p> <p>20 Q. Ms. Williams, I'd like to just kind of 21 take a step back and talk about how you apply the 22 terms of the Plan.</p>	<p style="text-align: right;">Page 152</p> <p>1 the Plan text?</p> <p>2 A. The Plan document is the main -- is the 3 main one. Maybe the manual, the doctor's manual.</p> <p>4 Q. Do you ever consult with the Neutral 5 Physician Orientation Manuals we've discussed?</p> <p>6 A. I may check in there. I don't use those 7 often. It's the Plan document that has the Plan 8 terms, so that's where I would get the -- if I need 9 to consult the Plan document for any Plan term 10 question, I would go to the Plan document.</p> <p>11 Q. What about internal guidance memos, does 12 the PA's office maintain an internal guidance memo 13 for you to look at while you're applying the Plan 14 provision?</p> <p>15 A. I don't have any formal memo. You know, 16 my training has been on the job through the years. 17 It wasn't in consulting our memos. The Plan -- the 18 Plan documents, those are the Plan rules, so that's 19 the main source of if I need -- you know, if I need 20 anything about a Plan provision, I will go to the 21 Plan.</p> <p>22 Q. When you have questions about Plan</p>
<p style="text-align: right;">Page 151</p> <p>1 In your Declaration on -- in paragraph -- 2 identify what paragraph -- you discuss that you 3 consult the applicable Plan provisions.</p> <p>4 Is that accurate?</p> <p>5 A. Where are you in the document? I'm sorry.</p> <p>6 Q. Paragraph 6. About three-quarters of the 7 way down you say, "I also consult the applicable Plan 8 documents when needed as I perform my review to 9 assess whether a player's application satisfies the 10 Plan criteria for approval."</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. When you say "Plan documents," are you 14 referring to the document that we looked at earlier, 15 like Exhibit 7?</p> <p>16 A. Was Exhibit 7 the Plan document?</p> <p>17 Q. I believe so --</p> <p>18 A. Yes.</p> <p>19 Q. -- yes.</p> <p>20 A. So I would consult -- I can consult that 21 Plan document, yes.</p> <p>22 Q. Are you referring to any other sources in</p>	<p style="text-align: right;">Page 153</p> <p>1 interpretations, who do you speak to?</p> <p>2 A. About interpreting the Plan document?</p> <p>3 Q. Yeah, do you do it -- do you just 4 interpret the Plan in your -- by yourself in your own 5 review, or who do you reach out to for questions?</p> <p>6 A. If I have any questions on Plan terms, I 7 can -- I can reach out to Plan counsel and ask for 8 their input; but generally, the -- I use the Plan 9 document. If we have question -- if there are 10 questions that come up that go to Plan counsel, it 11 gets -- it goes to both Patrick and I.</p> <p>12 Q. And earlier we were -- we talked about, 13 this morning, about certain training that you had 14 been a part of with doctors. If you had any -- a 15 question about neuropsychological issues, would you 16 go talk to the same doctors -- strike that.</p> <p>17 Earlier this morning we talked about 18 training that you had done with certain doctors. I 19 think we had talked about Dr. Garmoe and another 20 doctor who you did training on the LOD point systems, 21 correct? If -- and we also had talked about some, I 22 think what you had termed as technical medical terms.</p>

<p style="text-align: right;">Page 154</p> <p>1 Do you recall that?</p> <p>2 A. Yes.</p> <p>3 Q. If you had questions about those technical 4 medical terms, would you go speak to the same doctors 5 if you had questions on that?</p> <p>6 A. If I'm reviewing a case and I have any 7 questions about the clarity of the physician's 8 report, I would ask Sam to reach out to the doctor 9 and get clarification. I don't speak to the neutral 10 physicians.</p> <p>11 Q. So it would be -- it would be Sam reaching 12 out on your behalf?</p> <p>13 A. Correct.</p> <p>14 Q. Have you ever done that?</p> <p>15 A. We -- we may do that in the course of 16 evaluating or going through the cases. There may be 17 questions about a -- about a report or I just want 18 more clarity, something's not all the way clear, it's 19 to the point where I can make, you know, an adequate 20 review, I will ask, in those instances we -- we can 21 get Sam to go back -- Sam Vincent to go back to the 22 doctors, get them to clarify that. And then that,</p>	<p style="text-align: right;">Page 156</p> <p>1 Q. -- if you will?</p> <p>2 Okay. And so Sam Vincent is in attendance 3 in those meetings, and if you guys had a question 4 regarding some type of test results on, like on the 5 battery that we looked at earlier, Sam would reach 6 out to the doctor via email, and then relay that 7 information back to you and Mr. Reynolds in the 8 meeting? Is that accurate? Is that what you just 9 described?</p> <p>10 MR. JACOB: Object to the form.</p> <p>11 THE WITNESS: No. If we -- if we have any 12 questions on the neutral's medical report, if we need 13 clarification in any way, then we will ask Sam to 14 contact the doctor, get the clarification, and then 15 he will present that back as part of the record. It 16 doesn't happen during that meeting.</p> <p>17 BY MS. FIDLER:</p> <p>18 Q. Do you know if Mr. Vincent ever has these 19 conversations with the doctors over the phone, or is 20 it strictly to email?</p> <p>21 A. You'd probably have to ask Sam his 22 process. What comes back into the record usually is</p>
<p style="text-align: right;">Page 155</p> <p>1 that communication, would become part of the record.</p> <p>2 Q. And when Sam Vincent reaches out to the 3 doctors, does he do that by email?</p> <p>4 A. Typically it's by email, and then, again, 5 as I said, it goes into the -- the record.</p> <p>6 Q. And when you would ask Sam Vincent for you 7 to connect with a doctor that you needed -- that you 8 had a question with, you would do that over email as 9 well, correct?</p> <p>10 A. It would either be email or it would be 11 during the meeting that we go over all of the cases. 12 And if we have questions that come up during that 13 meeting, Sam is in there observing, so we can ask 14 him, "We need you to go get clarification on, you 15 know, this point." And then Sam will reach out to 16 the doctor from there and get the clarification and 17 put it back in the record.</p> <p>18 Q. So the meetings that you're talking about 19 are the meetings that you have with Patrick --</p> <p>20 A. Patrick.</p> <p>21 Q. -- Reynolds, the pre-meetings --</p> <p>22 A. Correct.</p>	<p style="text-align: right;">Page 157</p> <p>1 an email or a response from a doctor.</p> <p>2 Q. So we just have talked about you reaching 3 out to Groom Law if you have questions about Plan 4 interpretations and then also reaching out to doctors 5 if you have questions about medical terms, correct?</p> <p>6 A. If I have questions about any of the 7 medical reports, then I have Sam reach out to the 8 doctor to get a clarification. I don't reach out to 9 doctors personally.</p> <p>10 Q. Yes, yes.</p> <p>11 And that, that is something you do, 12 whether it's reaching out to Groom Law or having Sam 13 reach out to the doctors, that is -- it's done on a 14 case-by-case basis, correct?</p> <p>15 MR. JACOB: Object to the form.</p> <p>16 THE WITNESS: It depends on the case, on 17 the facts of the case, and on the -- the report that 18 we're provided.</p> <p>19 BY MS. FIDLER:</p> <p>20 Q. Right.</p> <p>21 And that's a case-by-case --</p> <p>22 A. Yes.</p>

40 (Pages 154 - 157)

<p style="text-align: right;">Page 158</p> <p>1 Q. -- basis. Okay.</p> <p>2 And the reason why that has to be done is 3 that there is not any type of internal guidance or 4 memos to know how plans have been interpreted 5 historically in the past; is that correct?</p> <p>6 MR. JACOB: Object to the form.</p> <p>7 Objection; misstates testimony.</p> <p>8 THE WITNESS: So if I have questions on a 9 medical report, there is no -- it would be going back 10 to the neutral to get the clarification. That's the 11 internal guidance that I have is that, if you have a 12 question, you need clarity, or the report isn't -- 13 doesn't have what you need in order to -- to do an 14 informed recommendation, then get the clarification 15 from the -- from the neutral if needed. So that 16 would be what we do. I would ask that -- you know, 17 we would go back to the doctor to get the 18 clarification. We'd have Sam do that.</p> <p>19 If I have questions on any Plan terms, 20 it's usually just to double-check my knowledge. If 21 we have questions on the Plan terms, then we can 22 reach out to our Plan counsel to get -- to get some</p>	<p style="text-align: right;">Page 160</p> <p>1 they typically would say, in the past, this.</p> <p>2 Q. But Groom Law doesn't track how the Plan's 3 been interpreted in the past, does it?</p> <p>4 A. I don't have a sense on what Groom is 5 tracking. That -- You know, that would be a question 6 for Groom.</p> <p>7 As I said, my process is, if I have a 8 question, I know that I can go to Plan counsel for 9 input on that.</p> <p>10 Q. Right. And so --</p> <p>11 A. And Management Council does too.</p> <p>12 Q. Sorry, I didn't mean to cut you off. I'm 13 sorry.</p> <p>14 A. I said -- oh, I just said, and that's the 15 same with Management Council; they -- they'll 16 regularly ask questions too, or Patrick will.</p> <p>17 Q. Right.</p> <p>18 And so when you testified "they will give 19 us a historical reference" --</p> <p>20 A. If they have it.</p> <p>21 Q. If they have it.</p> <p>22 But you don't know one way or another</p>
<p style="text-align: right;">Page 159</p> <p>1 input on that.</p> <p>2 BY MS. FIDLER:</p> <p>3 Q. Right. And the reason why you have 4 to reach out to Plan counsel is -- for Plan 5 interpretations is because you don't have a -- a 6 guidance memo or a repository or an index that shows 7 how those terms have been applied historically, or 8 else presumably you would reference that, correct?</p> <p>9 MR. JACOB: Object to the form.</p> <p>10 Objection; misstates testimony.</p> <p>11 THE WITNESS: I reach out to Plan counsel 12 because that's -- that -- again, that is our internal 13 guidance. If we need -- if we have questions on Plan 14 interpretation, then we can talk that -- you know, we 15 have that resource to use. They will keep a -- you 16 know, they will -- they will give us historical 17 reference, if there is any.</p> <p>18 BY MS. FIDLER:</p> <p>19 Q. How do you know they're giving you 20 historical reference?</p> <p>21 A. If we -- if I have a question and that 22 question had a historical reference, they would --</p>	<p style="text-align: right;">Page 161</p> <p>1 whether they have it; fair?</p> <p>2 A. Again, I'm not -- I'm not privy to what 3 their -- you know, the -- everyone has the Plan 4 document. We're all basing on that. Groom has been 5 Plan counsel for several years, so they -- if they 6 have anything that's relevant, they will -- they will 7 inform us of that.</p> <p>8 Q. And then, earlier you talked about that 9 you had -- that you would reference the manual 10 sometimes, correct? But primarily the Plan document 11 was your --</p> <p>12 A. Primarily the Plan --</p> <p>13 Q. -- But at occasion you would reference the 14 Neutral Physician Orientation Manuals, correct?</p> <p>15 A. That's a document that I can -- that I 16 have as a resource. As I said, I don't -- I can't 17 speak to specifics, which case I reference, what -- 18 if I referenced anything. That's out there. Those 19 are both documents out there that I can use if I have 20 any -- if I need any clarification or if I need to 21 check something.</p> <p>22 Q. If the manuals were inconsistent with Plan</p>

<p style="text-align: right;">Page 162</p> <p>1 terms, would you prioritize what it says in the Plan 2 over the manual?</p> <p>3 A. The Plan -- the Plan document is the 4 governing document. So, you know, like I said, I'm 5 checking the document primarily.</p> <p>6 Q. So we -- we just talked about also 7 reaching out to Groom Law for certain Plan 8 interpretations if you need it. And fair to say that 9 you don't maintain your own, like, notes or records 10 of how Plans have been determined historically in the 11 past, correct?</p> <p>12 MR. JACOB: Object to the form.</p> <p>13 THE WITNESS: I haven't -- I don't keep a 14 log of all of the cases that have come up or all the 15 questions that I have -- that I've had. Like I said, 16 it's only -- it comes up if I have questions, and 17 I -- we get input from -- from Groom.</p> <p>18 BY MS. FIDLER:</p> <p>19 Q. And when you were doing your on-the-job 20 training, the -- your predecessors also did not 21 maintain such a log, right?</p> <p>22 MR. JACOB: Object to the form; calls for</p>	<p style="text-align: right;">Page 164</p> <p>1 THE WITNESS: I got lost of what am I 2 answering here?</p> <p>3 BY MS. FIDLER:</p> <p>4 Q. Yes, no problem. So I'll just ask you a 5 series of questions.</p> <p>6 You testified that if you have a question 7 about a Plan interpretation, you reach out by email 8 to Groom; yes?</p> <p>9 A. I said that if I have -- if I have 10 questions and I need -- and I need Groom, then I will 11 reach out to Groom.</p> <p>12 Q. Yes.</p> <p>13 And that is because that they're -- the 14 Benefits Office does not maintain a repository of 15 prior interpretations that you can go look at in your 16 course of employment; you do not maintain a log of 17 prior interpretations that you can go look at while 18 you're applying Plan provisions; and outside of 19 case-by-case emails to Groom Law, there are no 20 administrative processes in place to look at prior 21 interpretations. Is that correct?</p> <p>22 MR. JACOB: Object to the form; misstates</p>
<p style="text-align: right;">Page 163</p> <p>1 speculation.</p> <p>2 THE WITNESS: I don't -- you know, 3 I don't have a record of what my predecessors kept, 4 as far as their records, or what records they kept.</p> <p>5 BY MS. FIDLER:</p> <p>6 Q. Well, if they had such a record, you think 7 they would have told you about it?</p> <p>8 MR. JACOB: Object to the form; calls for 9 speculation.</p> <p>10 THE WITNESS: Again, I don't know what 11 they would have -- what -- what they have.</p> <p>12 BY MS. FIDLER:</p> <p>13 Q. So in sum, if you have Plan questions, you 14 reach out to Groom Law. The Benefits -- or, excuse 15 me, the Players Association does not maintain a 16 repository of prior interpretations. You don't 17 maintain a log of prior interpretations. So there 18 are no administrative processes to ensure that the 19 Plan provisions are applied consistently either by 20 the advisor -- by the advisors, correct?</p> <p>21 MR. JACOB: Object to the form; misstates 22 testimony.</p>	<p style="text-align: right;">Page 165</p> <p>1 testimony.</p> <p>2 THE WITNESS: I reach out to Groom. That 3 that's the -- you know, that's one of the tools that 4 I have when I'm doing my review if I have questions 5 about the Plan, I can reach out to Groom.</p> <p>6 BY MS. FIDLER:</p> <p>7 Q. Yes. So the answer to my question was 8 yes, correct? That the only process to -- to get 9 information about Plan interpretations is by emailing 10 Groom on a case-by-case basis, correct?</p> <p>11 MR. JACOB: Object to the form; misstates 12 testimony.</p> <p>13 THE WITNESS: That's not what I said. So 14 I can reach out to Groom and ask for input if I need 15 it. Yes, it would be a case-by-case basis because 16 each case is individual.</p> <p>17 But I -- you know, that is the -- that is 18 the piece of my process is that, if I need any input 19 from Plan counsel, that I can reach out to Plan 20 counsel and get that.</p> <p>21 BY MS. FIDLER:</p> <p>22 Q. Right. And you have to do that because</p>

<p style="text-align: right;">Page 166</p> <p>1 there is no other resource, correct?</p> <p>2 MR. JACOB: Object to the form; misstates</p> <p>3 testimony.</p> <p>4 THE WITNESS: If I reach out to Plan</p> <p>5 counsel for, you know, any input or clarification,</p> <p>6 I'm doing so because I am ensuring that my review</p> <p>7 is thorough and complete. I'm gathering all the</p> <p>8 information.</p> <p>9 So that's -- that's that -- that's a piece</p> <p>10 of it is, if I need any -- if I need any input from</p> <p>11 Plan counsel or if I need -- if I need to ask any</p> <p>12 questions, that I can do that.</p> <p>13 MS. FIDLER: Go off the record for a</p> <p>14 second.</p> <p>15 THE VIDEOGRAPHER: Off the record at 2:10.</p> <p>16 (Recess taken.)</p> <p>17 THE VIDEOGRAPHER: Back on the record at</p> <p>18 2:27.</p> <p>19 BY MS. FIDLER:</p> <p>20 Q. Welcome back, Mrs. Williams.</p> <p>21 Earlier we discussed the spreadsheet where</p> <p>22 you take notes regarding your review of the</p>	<p style="text-align: right;">Page 168</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. And that provides that you are</p> <p>4 knowledgeable in the requirements of ERISA?</p> <p>5 A. The CEBS?</p> <p>6 Q. Yes.</p> <p>7 A. It's a -- it's a benefits certification,</p> <p>8 like a designation.</p> <p>9 Q. And you understand that in -- ERISA</p> <p>10 requires that the plan provide all documentation to</p> <p>11 plan participants that are relevant to their benefit</p> <p>12 determination, correct?</p> <p>13 MR. JACOB: Object to the form.</p> <p>14 Objection; calls for a legal conclusion.</p> <p>15 You can answer the question.</p> <p>16 THE WITNESS: Okay. So in my general</p> <p>17 understanding, not answering the legal question on</p> <p>18 that, it's my understanding that participants have a</p> <p>19 right to the documentations that underlie their</p> <p>20 decisions.</p> <p>21 BY MS. FIDLER:</p> <p>22 Q. And that includes all documents that were</p>
<p style="text-align: right;">Page 167</p> <p>1 administrative record, note any differences that you</p> <p>2 and Patrick Reynolds may have, and that is also used</p> <p>3 to make your recommendations to the board, correct?</p> <p>4 A. Yes, we discussed that.</p> <p>5 Q. Have you ever transmitted that spreadsheet</p> <p>6 to either Patrick Reynolds or to a trustee via email?</p> <p>7 A. To either Patrick or one of -- or my</p> <p>8 trustees --</p> <p>9 Q. Yes.</p> <p>10 A. -- or their trustees?</p> <p>11 Q. Either.</p> <p>12 A. Because you were using Patrick. I didn't</p> <p>13 know if you were talking about their side.</p> <p>14 So I -- you know, that is really just</p> <p>15 to inform our discussions. I don't share the</p> <p>16 spreadsheet with Patrick. I will send it to my</p> <p>17 trustees, you know, to guide our discussion during --</p> <p>18 during our pre-meeting. So I will either email it to</p> <p>19 them or I print it out and I deliver it to them in</p> <p>20 the meeting.</p> <p>21 Q. And very early in the deposition we</p> <p>22 talked about how you have a CEBS certification,</p>	<p style="text-align: right;">Page 169</p> <p>1 submitted, considered, or generated in the course of</p> <p>2 the benefit determination, as well as documents that</p> <p>3 demonstrate compliance with the administrative</p> <p>4 process and safeguards?</p> <p>5 MR. JACOB: Object to the form.</p> <p>6 Objection; calls for a legal conclusion.</p> <p>7 You can answer the question.</p> <p>8 THE WITNESS: Okay. I just have the</p> <p>9 general understanding that participants are -- are</p> <p>10 entitled to certain documentation. That -- and the</p> <p>11 provision of that is left up to Plan counsel and the</p> <p>12 Plan office.</p> <p>13 (Exhibit 10 marked.)</p> <p>14 BY MS. FIDLER:</p> <p>15 Q. I'm going to hand you what's been marked</p> <p>16 as Exhibit 10 -- 10 to your deposition.</p> <p>17 Do you recognize this document?</p> <p>18 A. This is not one of my regular documents.</p> <p>19 I have to read through it.</p> <p>20 Q. Would you like to take the time to read</p> <p>21 over it? We can go off the record, if you would</p> <p>22 like.</p>